

App. No. 09/895,450
Amendment Dated July 5, 2005
Reply to Final Office Action of June 15, 2005

REMARKS/ARGUMENTS

Claims 1-7 and 20-36 remain in this application for further review. Claims 1-7 and 20-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,721,558 issued to Saad (hereinafter "Saad") in view of U.S. Patent No. 6,490,616 issued to Maryka et al. (hereinafter "Maryka").

Applicants maintain their disagreement with this rejection of the claims. Set forth below is a discussion of several relevant sections of the cited references. Also set forth below, is a discussion of several elements in the claims that are not taught or suggested by the references.

I. Request For Formal Interview

If, after reviewing this Response, it is still believed that the claims do not distinguish the cited references, applicants request a formal interview to further discuss the references.

II. The Saad Reference

The current Office Action propounds that Saad teaches several elements of the claims. Applicants respectfully disagree with several of these assertions.

A. The Cell Station Does Not Provide All The Functions Of The Configuration Manager As Propounded In The Office Action

The claims of the present invention recite *a combination of elements* that are not taught in the cited references. As is more fully set forth below (see Section III, below), elements of some of the claims include elements of a configuration service provider and elements of a

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configuration manager. Saad teaches a convention cell tower. Regarding the cell station, Saad specifically teaches as follows:

The cell station 300 preferably includes a processor 310 and related memory, such as a data storage device 320. Each of these components 310, 320 may function identically to those corresponding components described above in conjunction with FIG. 2. The data storage device 320 includes conventional functions 350 for communicating with cellular telephones 130 and the central control station 200. For a detailed description of conventional functions of a cell station 300, see, for example, U.S. Pat. No. 4,829,554, incorporated by reference above. In addition, the data storage device 320 includes conventional hardware component message protocols 360 for communicating with the hardware components 340A-340H installed, for example, on a rack 330 on the cell station 300. *Saad*, at col. 4, lines 11-25.

As previously indicated, the cell station 300 may be embodied as a conventional cell station, such as the cell station described, for example, in U.S. Pat. No. 4,829,554, incorporated by reference herein. In this manner, the cell station 300 operates normally, forwarding the messages that are received from the central control station 200 to the hardware components, as required. Alternatively, the remote cell station 300 can be modified to progressively refine its own system configuration information, in accordance with the present invention, as would be apparent to a person of ordinary skill in the art. *Saad*, at col. 4, lines 26-36.

B. The Cell Station Does Not Parse The Request

The Office Action propounds that Saad must parse the request. Applicants cannot find any teaching whatsoever as to parsing in Saad. Contrariwise, Saad teaches an iterative process where the central control station sends a "guess configuration" to the cell station. The cell station receives the guess configuration and then uses *a predefined message* to obtain the type and version *of each hardware element* of the cell tower. This information is then sent back to the central control station and analyzed. *The central control station* then uses this information to determine if the guess was correct. When the guess is correct, the central control station knows the configuration of the cell station. When the guess is not correct, the central control station sends another "guess configuration" to the cell tower and the cell tower resends the information.

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This process continues until the central control station has the correct guess. There is no teaching of parsing the request. This is evidenced by the fact that the cell tower sends the version and type information of *each* hardware component in response to a "guess configuration". This is also evidenced by the fact that the cell tower sends a *predefined message* in response to the "guess configuration". Saad cannot teach parsing when Saad specifically teaches that the cell tower sends a *predefined message*. Saad specifically recites as follows:

Generally, the system configuration process 500 initially *assumes a system configuration* having each of the slots 340A-340H installed with a default hardware component. The cell station communicates with the installed hardware utilizing a conventional message protocol associated with the default hardware component. The default "guess" is sent to the cell station 300. *The cell station 300, in turn, then communicates with each of the hardware components using a predefined message.* In an illustrative embodiment, the cell station 300 queries each of the hardware components for their associated type and version. In an alternate embodiment, the cell station 300 transmits a diagnostic command or another command to each of the hardware components. *Saad, at col. 3, lines 17-31. Emphasis added.*

...

The responses from the actual installed hardware components are collected by the cell station 300 and *returned to the central control station 200*. The central control station 200 *receives the responses* during step 530. The returned responses provide information that *can be used by the central control station 200 to help ascertain the type and version of the hardware component actually installed*. For example, certain error responses may indicate an alternate guess for the installed hardware components. In addition, a failure to respond may indicate that no hardware is present at a given location or may further suggest an alternate guess for the installed hardware components. *In addition, other responses provide information that help to refine the assumed system configuration.* Saad, at col. 5, lines 5-18. Emphasis added.

III. Claim Elements Not Taught Or Suggested By The Cited References

Even if for argument sake the references were combinable as propounded, the proposed combination would still fail to teach all the elements of the claims.

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A. Claim 1

Applicants' claim 1 specifically recites the following elements that are not taught or suggested by the cited references:

"a configuration service provider component associated with the setting and configured to access the setting."

"a configuration manager component configured to receive the at least part of the query document and to identify the configuration service provider based on information within the query document, the configuration manager being further configured to pass the query statement to the configuration service provider for processing."

Applicants can find no teaching in the cited references of a *configuration service provider*, let alone, a "configuration manager component configured to...*identify* the configuration service provider based on the *information within the query document*, the configuration manager being further configured *to pass the query statement* to the configuration service provider for processing." Emphasis added.

B. Claim 6

Applicants' claim 6 specifically recites the following elements that are not taught or suggested by the cited references:

"wherein the configuration manager is further configured to modify the query document based on the retrieved value of the setting."

Here, the references do not teach this limitation. Saad teaches sending that the "responses from the actual installed hardware components are collected by the cell station 300 and *returned to the central control station 200*." Saad, at col. 5, lines 5-7. Emphasis added. Moreover, Saad teaches "a failure to respond may indicate that no hardware is present at a given location or may further suggest *an alternate guess* for the installed hardware components."

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Saad, col. 5, lines 13-16. Emphasis added. Succinctly stated, Saad does not teach modification in any manner.

C. Claim 7

Applicants' claim 7 specifically recites the following elements that are not taught or suggested by the cited references:

"wherein the query statement within the modified query document is modified to include the retrieved value of the setting."

Here, neither of the references teach nor otherwise suggest this limitation. Saad teaches sending that the "responses from the actual installed hardware components are collected by the cell station 300 and *returned to the central control station 200.*" *Saad*, at col. 5, lines 5-7. Emphasis added. Moreover, Saad teaches "a failure to respond may indicate that no hardware is present at a given location or may further suggest *an alternate guess* for the installed hardware components." *Saad*, col. 5, lines 13-16. Emphasis added. Succinctly stated, Saad does not teach modification in any manner.

D. Claim 20

Applicants' claim 20 specifically recites the following elements that are not taught or suggested by the cited references:

"parsing the configuration message to identify the particular setting stored on the mobile device."

"passing the payload to a configuration component responsible for maintaining the particular setting."

"retrieving, by the configuration component, a value associated with the particular setting stored on the mobile device."

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The cited references do not teach or otherwise suggest the aforementioned limitations. As set forth above, Saad does not teach parsing. This is evidenced by the fact that the cell tower sends the version and type information of *each* hardware component in response to a "guess configuration". This is also evidenced by the fact that the cell tower sends a *predefined message* in response to the "guess configuration". Saad cannot teach parsing when Saad specifically teaches that the cell tower sends a *predefined message*. As best ascertained from Saad, the guess acts as a trigger to send all value and type information from each hardware component. The guess is not parsed.

Moreover, applicants can find no teaching or suggestion of "passing the payload to a configuration component", or "retrieving, by the configuration component, a value associated with the particular setting stored on the mobile device."

E. Claim 22

Applicants' claim 22 specifically recites the following elements that are not taught or suggested by the cited references:

"wherein passing the payload to the configuration component further comprises identifying which configuration component is responsible for maintaining the particular setting and passing the payload to the identified configuration component."

The aforementioned elements are not taught, suggested or otherwise mentioned in the cited references. Specifically, the cited art does not mention "passing the payload to the configuration component", let alone "identifying which configuration component is responsible for maintaining the particular setting and passing the payload to the identified configuration component."

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F. Claim 25

Applicants' claim 25 specifically recites the following elements that are not taught or suggested by the cited references:

"passing at least the payload *to a configuration component* responsible for maintaining the particular setting."

"retrieving, *by the configuration component*, a value associated with the particular setting stored on the mobile device."

The aforementioned elements are not taught, suggested or otherwise mentioned in the cited references. The cited references do not mention a configuration component. Specifically, the cited art does not mention "passing at least the payload to a configuration component", let alone "retrieving, by the configuration component, a value associated with the particular setting stored on the mobile device."

G. Claim 26

Applicants' claim 26 specifically recites the following elements that are not taught or suggested by the cited references:

"wherein passing the payload to the configuration component further comprises *identifying which configuration component of a plurality of configuration components is responsible for maintaining the particular setting and passing the payload to the identified configuration component.*"

The aforementioned elements are not taught, suggested or otherwise mentioned in the cited references. Specifically, the cited art does not mention "passing the payload to the configuration component", let alone "identifying which configuration component of a plurality of configuration components is responsible for maintaining the particular setting and passing the payload to the identified configuration component."

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H. Claim 29

Applicants' claim 29 specifically recites the following elements that are not taught or suggested by the cited references:

"a **configuration manager component** configured to receive the at least part of the query document, to cause the setting to be queried based on the at least part of the query document, and to return results of the query of the setting to the router component."

Claim 29 specifically recites a configuration manager component, which is not taught or otherwise suggested by the references. The term "configuration manager component" is defined in the specification. Below is a short excerpt from the specification of the application. The excerpt is but one embodiment or aspect of the present invention and is cited herein for explanatory and exemplary purposes only. The excerpt should not be taken to limit the interpretation of the above elements in that applicants assert that the elements are clear as written. A few aspects of the above elements are recited in the specification as follows:

"The configuration manager 401 is the hub of activity for the over-the-air configuration system. Essentially, it is an application registered to handle configuration messages for the mobile device 120. As mentioned above, the push router 301 passes received messages to one or more applications 266 that are registered to receive them. In this case, the configuration manager 401 is the application registered to handle configuration messages. Thus, when the push router 301 receives a configuration message, the push router 301 passes the message (or at least the configuration payload of the message) to the configuration manager 401."

"The configuration manager 401 is programmed to parse the incoming configuration messages to identify the affected configuration settings. For example, one configuration message may contain changes to settings related to an e-mail application, while another configuration message may contain changes to settings related to the addresses of trusted proxy servers. Moreover, a single configuration message may contain changes that affect several different groups of settings. The configuration manager 401 is programmed to determine which one or more CSPs are responsible for maintaining the affected settings. In the disclosed embodiment, that determination is made directly from information

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within the configuration message which identifies the appropriate CSPs. Alternatively, the configuration manager 401 could identify the appropriate CSPs from other information that associates CSPs with corresponding configuration settings." *Applicant's Specification* at 11-12.

I. Claim 30

Applicants' claim 30 specifically recites the following elements that are not taught or suggested by the cited references:

"a configuration service provider component associated with the setting and configured to access the setting, and wherein the *configuration manager is further configured to identify the configuration service provider based on information within the query document*, and to pass the at least part of the query document to the configuration service provider for processing."

The aforementioned elements are not taught, suggested or otherwise mentioned in the cited references. Specifically, the cited art does not mention a configuration manager, let alone, a configuration manager "configured to identify the configuration service provider based on information within the query document, and to pass the at least part of the query document to the configuration service provider for processing."

J. Claim 32

Applicants' claim 32 specifically recites the following elements that are not taught or suggested by the cited references:

"wherein the configuration manager is further *configured to modify the query document based on the retrieved value of the setting*."

Here, neither of the references teach nor otherwise suggest this limitation. Saad teaches sending that the "responses from the actual installed hardware components are collected by the cell station 300 and *returned to the central control station 200*." Saad, at col. 5, lines 5-7.

Emphasis added. Moreover, Saad teaches "a failure to respond may indicate that no hardware is

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present at a given location or may further suggest *an alternate guess* for the installed hardware components." *Saad*, col. 5, lines 13-16. Emphasis added. Succinctly stated, *Saad* does not teach modification in any manner.

K. Claim 33

Applicants' claim 33 specifically recites the following elements that are not taught or suggested by the cited references:

"wherein the query statement within the modified query document is modified to include the retrieved value of the setting."

Here, neither of the references teach nor otherwise suggest this limitation. *Saad* teaches sending that the "responses from the actual installed hardware components are collected by the cell station 300 and *returned to the central control station 200*." *Saad*, at col. 5, lines 5-7. Emphasis added. Moreover, *Saad* teaches "a failure to respond may indicate that no hardware is present at a given location or may further suggest *an alternate guess* for the installed hardware components." *Saad*, col. 5, lines 13-16. Emphasis added. Succinctly stated, *Saad* does not teach modification in any manner.

L. Claim 34

Applicants' claim 34 specifically recites the following elements that are not taught or suggested by the cited references:

"wherein the router component is configured to receive query documents from a plurality of push sources, each push source being configured to interact with an external initiator of the query document."

Here, applicants assert that the cited references do not teach, suggest or otherwise mention the above limitations. Specifically, neither reference teaches "a plurality of push

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sources", let alone "a plurality of push sources, each push source being configured to interact with an external initiator of the query document."

M. Claims 2-5, 21, 23-24, 27-28, 31, 35-36.

Even though not specifically recited herein, applicants assert that claims 2-5, 21, 23-24, 27-28, 31, 35-36 include elements that are not taught or otherwise suggested by the cited references. Moreover, insofar as these claims depend from one or more of the claims recited above, applicants assert that they are allowable for at least the same reasons.

IV. No Suggestion or Motivation to Combine the References

Applicants further maintain that there is no suggestion or motivation to combine the references as propounded. Saad pertains to a technique for identifying the hardware associated with a cell phone tower. *Saad* at col. 2, lines 15-25. A cellular station that may be associated with a plurality of towers sends a message to one of the cell phone towers. *Saad* at col. 2, lines 15-25. The cell phone tower then identifies hardware associated with the cell phone tower and sends a response back to the cellular station. *Saad* at col. 2, lines 15-25.

Maryka is not even remotely concerned with the problems identified in Saad. Maryka teaches a technique for transferring an application from a server to a computing device. *Maryka* at col. 2, lines 43-52. The server first determines what objects are required for the computing device to receive the application. *Maryka* at col. 4, lines 41-46. The server then transfers the required objects to the computing device. *Maryka* at col. 4, lines 41-46. A person of ordinary skill in the art confronted with the problems associated with identifying hardware on a cell phone

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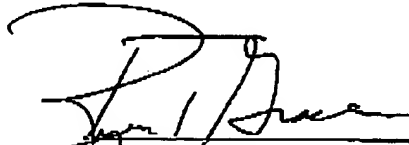
tower as exhibited by Saad, would not be disposed on any objective basis to consider a reference such as Maryka, which is entirely unconcerned with the subject. Therefore, applicants assert that the references are not combinable as propounded.

V. **Request For Notice Of Allowance**

In view of the foregoing, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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